

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

MARCIE FISHER-BORNE, for herself and as guardian <u>ad</u> <u>litem</u> for M.F.-B., a minor, et al.,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	1:12CV589
	)	
JOHN W. SMITH, in his official capacity as the Director of the North Carolina Administrative Office of the Courts, et al.,	)	
	)	
	)	
Defendants.	)	
	)	
	)	
ELLEN W. GERBER, et al.,	)	
	)	
Plaintiffs,	)	
	)	
	)	
v.	)	1:14CV299
	)	
ROY COOPER, et al.,	)	
	)	
Defendants.	)	
	)	

**AMENDED JUDGMENT<sup>1</sup>**

For the reasons set forth in the Order filed contemporaneously with this Judgment,

**IT IS THEREFORE ORDERED AND ADJUDGED** that North Carolina  
Const. art. XIV, § 6, N.C. Gen. Stat. § 51-1, and N.C. Gen.

<sup>1</sup> This Judgment is amended to reflect the correct North Carolina General Statute Section 51-1.2.

Stat. § 51-1.2 are declared **UNCONSTITUTIONAL** to the extent those laws prevent same-sex couples from marrying and prohibit the State of North Carolina from recognizing same-sex couples' lawful out-of-state marriages.

**IT IS FURTHER ORDERED AND ADJUDGED** that the State of North Carolina, the Attorney General, and all officers, agents, and employees of the State of North Carolina are hereby **ENJOINED** from implementing or enforcing any provisions of North Carolina Const. art. XIV, § 6, N.C. Gen. Stat. § 51-1, and N.C. Gen. Stat. § 51-1.2 which prevent same-sex couples from marrying and prohibit the State of North Carolina from recognizing same-sex couples' lawful out-of-state marriages.

**IT IS FURTHER ORDERED AND ADJUDGED** that Plaintiffs' claims (i) concerning the adoption laws of North Carolina (Plaintiffs' First, Second, Third, Fourth, and Fifth Claims for Relief in Fisher-Borne v. Smith, First Amended Complaint, 1:12CV589 (Doc. 40) (July 19, 2013)); and Plaintiffs' Fourth, Fifth, Sixth, and Seventh Claims for Relief in Gerber v. Cooper, Complaint, 1:14CV299 (Doc. 1) (Apr. 9, 2014)), and (ii) against the Clerk of the Superior Court for Guilford County, the Clerk of the Superior Court for Durham County, and the Clerk of the Superior Court for Catawba County, are **DISMISSED WITHOUT PREJUDICE** as **MOOT** and/or **NOT RIPE**.

**IT IS FURTHER ORDERED AND ADJUDGED** that the pending motions for preliminary injunction (1:12CV589 (Doc. 75); 1:14CV299 (Doc. 3)) are **DENIED** as **MOOT**.

Any claim by Plaintiffs for attorneys' fees and costs pursuant to 42 U.S.C. § 1988 is severed and will be considered upon appropriate motions of the parties.

This the 15th day of October, 2014.

  
\_\_\_\_\_  
United States District Judge